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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,401	03/01/2004	Feng-Fu Lin	ALIP0038USA	2400
27765	7590	12/28/2004	EXAMINER	
(NAIPC) NORTH AMERICA INTERNATIONAL PATENT OFFICE P.O. BOX 506 MERRIFIELD, VA 22116				CHAPMAN JR, JOHN E
ART UNIT		PAPER NUMBER		
		2856		

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AP

Office Action Summary	Application No.	Applicant(s)
	10/708,401	LIN ET AL.
	Examiner	Art Unit
	John E Chapman	2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

1. The disclosure is objected to because of the following informalities: It is not clear what is meant by “vibration breadth” (paragraph 19, line 7, and following). It would appear that vibration amplitude is meant, but the specification describes maintaining the “vibration breadth” between 20Hz and 150Hz (paragraph 28, lines 3-4), which would indicate that it is a vibration frequency. Furthermore, it is not clear how the “vibration breadth” can be “maintained in a steady state in a certain frequency range” (paragraph 19, lines 17-19), when the “vibration breadth” either increases (paragraph 19, lines 5-8) or decreases (paragraph 19, lines 14-17) or both (paragraph 19, lines 11-13) in the frequency range.

Appropriate correction is required.

2. The following is a quotation of the first and second paragraphs of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 is rejected under 35 U.S.C. 112, first and/or second paragraph, as failing to comply with the enablement requirement and/or for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, it is not clear that any structure is claimed, since it comprises a preamble but does not set forth any body of the claim. Furthermore, the claim appears to comprise a single means claim in that it appears to claim every conceivable structure for

implementing the method of claim 1. Where a claim covers every conceivable structure (means) for achieving the stated property (result), the claim is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph, because the specification discloses at most only those means known to the inventor. See *In re Hyatt*, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) and MPEP 2164.08(a).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Okazaki et al.

Okazaki et al. disclose a method for detecting an unbalanced disc wherein the speed is set to the resonant frequency of the tracking actuator in the lens assembly 200, which actuator comprises a coil (col. 4, line 59).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ohtani et al. disclose a method for detecting an unbalanced disc in Fig. 2 wherein the speed is set at sextuple speed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John E Chapman whose telephone number is (571) 272-2191. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John E Chapman
Primary Examiner
Art Unit 2856